

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

ACCIDENT INSURANCE COMPANY, INC.

CIVIL ACTION NO.: 6:13-cv-387

v.

JUDGE DOHERTY

BENJAMIN B. BLANCHET, ET. AL.

MAGISTRATE HANNA

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BOUDREAUX AND HSB'S  
SUPPLEMENTAL MEMORANDUM IN SUPPORT OF  
MOTION TO DISMISS

MAY IT PLEASE THE COURT:

On September 10, 2012, co-defendants Benjamin and Anne Blanchet filed a State Court suit against Henry A.. Boudreux, Jr. (hereinafter "Boudreux") and HSB Design and Contractors, LLC (hereinafter "HSB") in connection with the design and construction of additions to and renovations of the Blanchet's historic home. The suit was filed in the Fifteenth Judicial District Court, Vermilion Parish, Louisiana under docket number 96178.

Boudreux and HSB tendered the defense of the State Court suit to Accident Insurance Company, Inc.

On February 21, 2013, Accident Insurance Company filed the instant Federal Court declaratory judgment action naming Benjamin Blanchet, Anne Blanchet, Henry A.. Boudreux, Jr., and HSB Design and Contractors, LLC as defendants. The suit seeks a determination of Accident Insurance Company's obligations under its policy to defend and indemnify Boudreux and HSB for the claims of the Blanchets made in the State Court suit.

Boudreux and HSB responded by filing a motion to dismiss or alternatively to stay, the instant suit under the Abstention Doctrine given, particularly given the pending state court suit which involves the same factual issues.

Since the filing of the motion to dismiss on March 28, 2013, Ben and Anne Blanchet filed in the state court action, their First Amended and Restated Petition for Damages and Declaratory Relief. The amended petition names Accident Insurance Company, Inc. as a defendant in the state court suit. (See First Amended and Restated Petition for Damages and Declaratory Relief attached as Exhibit A.)

Accident Insurance Company can assert in the state court action, the first filed suit, to which it is now a party, all of the issues on which it seeks declaratory or affirmative relief in this court. The existence of the state court suit, in which Accident Insurance Company is now a party, should further convince the court to exercise its discretion and abstain from deciding this case.

The Court should dismiss the declaratory judgment action due to the pendency of the State Court suit involving the identical parties to this Federal Court action.

Respectfully submitted:

DAVIDSON, MEAUX, SONNIER,  
McELLIGOTT, FONTENOT, GIDEON & EDWARDS

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Attorneys for: Henry A.. Boudreux, Jr. and HSB Design  
and Contractors, LLC

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 7<sup>th</sup> day of May, 2013, a copy of the foregoing was filed electronically with the Clerk of Court using the CM/ECF system.

KYLE L. GIDEON